

FILED

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

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FILED WITH CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLA

IN RE:

ANGELA BONILLA

Debtor

Case No. 25-10316-T
Chapter 7

MURPHY BRADEN, an individual, and
ALAINA FERRARO, an individual,

Plaintiffs,

v.

ANGELA BONILLA,

Defendant.

Adv. Proc. No. 11 U.S.C. §523(a)(2), (6)

DEMAND FOR JURY TRIAL
ATTORNEY LEIN CLAIMED

ADVERSARY COMPLAINT

COMES NOW, Plaintiffs, Murphy Braden and Alaina Ferraro, individuals, by and through their attorneys, John M. Thetford, Grant B. Thetford and Evan M. McLemore, of the Levinson, Smith & Huffman, P.C. law firm, and for their cause of actions against Angela Bonilla, alleges and states as follows:

1. Plaintiffs, Murphy Braden and Alaina Ferraro, are individuals and residents of Tulsa, Tulsa County, State of Oklahoma.

2. Upon information and belief, Defendant, Anegla Bonilla, is an individual residing in Tulsa, Tulsa County, State of Oklahoma.

3. That the cause of action arose in Tulsa, Tulsa County, State of Oklahoma.

4. On or about March 13, 2025, Defendant filed for Chapter 7 Bankruptcy and was assigned case number 25-10316-T.

5. This Court has jurisdiction pursuant to 28 U.S. §§1334, 157(b).

6. Venue is appropriate pursuant to 28 U.S.C. §1409(a), because this adversary proceeding arises under and in connection with a case under Title 11 pending in this District.

7. This is an adversary proceeding to determine the dischargability of a debt.

8. On or about September 26, 2023, Defendant/Debtor signed a residential property disclosure statement, wherein she affirmatively represented to Plaintiffs/Creditors that the home, located at 7323 S. 69th East Court, Tulsa, OK 74133, had never sustained damage from flood, storm run-off, sewer backup, draining or grading defects.

9. Defendant/Debtor also affirmatively represented that that home did not have any surface or ground water drainage systems.

10. Defendant/Debtor also affirmatively represented that she was unaware of any water seepage, leakage, or other draining defects in the improvements on the property.

11. Defendant/Debtor also affirmatively represented that she was unaware of any defect affecting the interior or exterior walls, ceilings, roof structure, slab/foundation, basement/storm cellar, floors, windows, doors, fences, or garages.

12. Each of these representations was false.

13. Plaintiffs purchase this home while Ms. Ferraro was pregnant and purchased this home for their growing family.

14. When this new family moved into the home and experienced their first storm, they realized that the home flooded every time it rained.

15. The grading of the yard created storm run that created a river directly to the home.

16. The home had been recently remodeled when the family moved into the home.

17. When Plaintiffs began to remedy the damage to the home, they noticed historic damage to the walls of the home due to storm run-off and water damage.

18. To Plaintiffs' contractors, it was clear that the remodels were a shoddy and fraudulent

attempt to conceal the water damage to the home.

19. Thus, Plaintiffs brought suit, *Braden, et al. v. Bonilla, et al.*, Case No. CJ-24-2906 (Tulsa Cnty, Okla.), alleging fraud, negligence, negligent misrepresentation, conspiracy, breach of contract, and punitive damages.

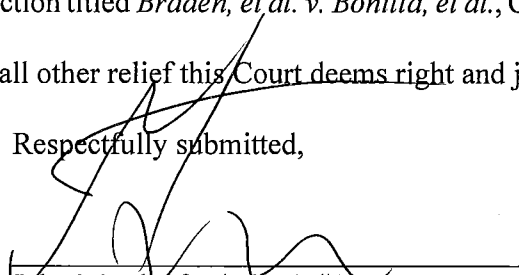
20. Caldwell Bankers, not a party to this bankruptcy, assisted Defendant/Debtor in both the purchase of the home at issue and the selling of the home at issue. Thus, Caldwell Bankers had knowledge of or should have had knowledge of the defects in the home.

21. Defendant/Debtor recognizes the crux of this action is based in fraud, as the nature of the case is listed as fraud in Defendant/Debtor's Chapter 7 Bankruptcy, Case No. 25-10316-T (Northern District of Oklahoma) (Dkt.#1, p. 38).

22. As such, this debt is not dischargeable pursuant to 11 U.S.C. §523(a)(2).

WHEREFORE, premises considered, Plaintiffs/Creditors pray this Court DENY Defendant/Debtor's request for discharge from the action titled *Braden, et al. v. Bonilla, et al.*, Case No. CJ-24-2906 (Tulsa Cnty, Okla.), together with all other relief this Court deems right and just.

Respectfully submitted,

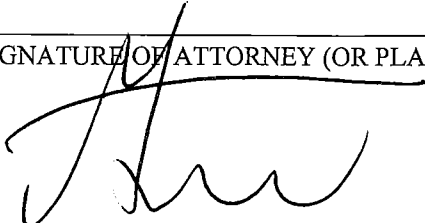


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B1040 (FORM 1040) (12/24)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS Murphy Braden & Alaina Ferraro	DEFENDANTS Angela Bonilla	
ATTORNEYS (Firm Name, Address, and Telephone No.) Levinson, Smith & Hoffman, P.C. 1743 E. 7th St. Tulsa, OK 74186 918. 492. 9433	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Exception to Discharge (11 U.S.C. § 523(a)(2))		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>FRBP 7001(a) – Recovery of Money/Property</p> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other <p>FRBP 7001(b) – Validity, Priority or Extent of Lien</p> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property <p>FRBP 7001(c) – Approval of Sale of Property</p> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) <p>FRBP 7001(d) – Objection/Revocation of Discharge</p> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) <p>FRBP 7001(e) – Revocation of Confirmation</p> <input type="checkbox"/> 51-Revocation of confirmation <p>FRBP 7001(f) – Dischargeability</p> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <p style="text-align: center;">(continued next column)</p> </div> <div style="width: 48%;"> <p>FRBP 7001(f) – Dischargeability (continued)</p> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other <p>FRBP 7001(g) – Injunctive Relief</p> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other <p>FRBP 7001(h) Subordination of Claim or Interest</p> <input type="checkbox"/> 81-Subordination of claim or interest <p>FRBP 7001(i) Declaratory Judgment</p> <input type="checkbox"/> 91-Declaratory judgment <p>FRBP 7001(j) Determination of Removed Action</p> <input type="checkbox"/> 01-Determination of removed claim or cause <p>Other</p> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </div> </div>		
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ 150,000	
Other Relief Sought		

B1040 (FORM 1040) (12/24)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR <i>Angela Bonilla</i>		BANKRUPTCY CASE NO. <i>25-10316-T</i>
DISTRICT IN WHICH CASE IS PENDING <i>Northern District of Oklahoma</i>		DIVISION OFFICE <i>Tulsa</i>
		NAME OF JUDGE <i>Hon. Thomas</i>
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE
		NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE <i>6/9/25</i>		PRINT NAME OF ATTORNEY (OR PLAINTIFF) <i>Grant Thetford</i>

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.